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**REQUEST  
FOR**

**CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

JUL 30 2002  
Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.  
See The American Inventors Protection Act of 1999 (AIPA).

<b>Application Number</b>	09/177,387
<b>Filing Date</b>	Oct. 23, 1998
<b>First Named Inventor</b>	Hartley
<b>Group Art Unit</b>	1636
<b>Examiner Name</b>	Yucel, I.
<b>Attorney Docket Number</b>	0942.2850004/RWE/BJD

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. § 1.114**

- a.  Previously submitted
- i.  Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).
- ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
- iii.  Other \_\_\_\_\_
- b.  Enclosed
 

i. <input checked="" type="checkbox"/> Amendment/Reply	01 FC:179	740.00 OP
ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)	02 FC:103	90.00 OP
iii. <input type="checkbox"/> Information Disclosure Statement (IDS)	03 FC:102	168.00 OP
iv. <input type="checkbox"/> Other _____		

**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-0036
  - i.  RCE fee required under 37 C.F.R. § 1.17(e)
  - ii.  Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
  - iii.  Other PTO Fee Transmittal Form (PTO/SB/17)
- b.  Check in the amount of \$1,108.00 enclosed
- c.  Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	BRIAN J. DEL BUONO STERNE, KESSLER, GOLSTEIN & FOX P.L.L.C.	Registration No. (Attorney/Agent)	42,473
Signature			Date
			July 30, 2002

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)		Date	
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Commissioner for Patents, Box RCE, Washington, DC 20231.

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O I P E  
**FEES TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 1108.00)

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## Complete if Known

Application Number	09/177,387
Filing Date	Oct. 23, 1998
First Named Inventor	HARTLEY
Examiner Name	Yucel, I.
Group Art Unit	1636
Attorney Docket No.	0942.2850004/RWE/BJD

**METHOD OF PAYMENT (check one)**

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number **19-0036**  
 Deposit Account Name **Sterne, Kessler, Goldstein & Fox P.L.L.C.**

- Charge Any Additional Fee Required  
Under 37 CFR §§ 1.16 and 1.17

- Applicant claims small entity status  
See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other\*  
\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	740	201 Utility filing fee	
106	330	206 Design filing fee	
107	510	207 Plant filing fee	
108	740	208 Reissue filing fee	
114	160	214 Provisional filing fee	

**SUBTOTAL (1) (\$)****FEE CALCULATION (continued)****3. ADDITIONAL FEES**  
Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	110.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	130	123	130	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	481	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	740.00
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) :

Other fee (specify) :

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)** 850.00

\*\* or number previously paid, if greater; For Reissues, see above

**SUBMITTED BY**

## Complete (if applicable)

Name (Print/Type)	Brian J. Del Buono	Registration No. (Attorney/Agent)	42,473	Telephone	202-371-2600
Signature	<i>Brian J. Del Buono</i>			Date	<i>July 30, 2002</i>

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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#39791v1&lt;SKGF\_DC1&gt; -PTO fee transmittal re RCE and 1X EOT for US appl..wpd



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARTLEY *et al.*

Appl. No. 09/177,387

Filed: October 23, 1998

For: **Recombinational Cloning Using  
Nucleic Acids Having  
Recombination Sites**

Art Unit: 1636

Examiner: Yucel, I.

Atty. Docket: 0942.2850004/RWE/BJD

**Amendment and Reply Under 37 C.F.R. § 1.111**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Filed concurrently herewith is a Request for Continued Examination (RCE) in the above-referenced matter. Therefore, in reply to the Office Action issued in this matter on October 30, 2001 (Paper No. 26), Applicants submit the following amendments and remarks. It is respectfully believed that entry and consideration of these amendments and remarks is proper under 37 C.F.R. § 1.114, since this submission is being filed prior to payment of the issue fee, abandonment of the application, or filing of a Notice of Appeal to the U.S. Court of Appeals for the Federal Circuit. The amendments are provided in the following format:

- (A) A clean version of each replacement paragraph/section/claim along with clear instructions for entry;
- (B) Starting on a separate page, appropriate remarks and arguments. *See* 37 C.F.R. § 1.121 and MPEP § 714; and